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Counsel to the Liquidating Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
) 1
Debtors.) (Jointly Administered)
)
)
ALFRED H. SIEGEL, AS TRUSTEE OF THE)
CIRCUIT CITY STORES, INC. LIQUIDATING) Adv. Pro. No. 10-03545-KRH
TRUST,)
)
Plaintiff,)
)
v.)
)
SAP INDUSTRIES, INC., FKA SAP RETAIL)
INC.,)
Defendant.)

**ORDER APPROVING STIPULATION BETWEEN ALFRED H. SIEGEL, AS
TRUSTEE OF THE CIRCUIT CITY STORES, INC. LIQUIDATING TRUST
AND SAP INDUSTRIES, INC. TO CONSOLIDATE OBJECTION TO
CLAIM WITH PENDING ADVERSARY PROCEEDING**

WHEREAS, on April 30, 2009, SAP filed Proof of Claim No. 12731 (the “Claim”) in the chapter 11 cases of Circuit City Stores, Inc., *et al.* (the “Debtors”).

WHEREAS, on March 26, 2010, the Debtors filed the *Debtors’ Seventieth Omnibus Objection to Claims (Disallowance of Certain (I) No Liability (Legal Claims); (II) No Liability (Satisfied Claims); (III) No Liability Human Resources Claims; and (IV) No Liability (Miscellaneous Claims)* (the “Seventieth Omnibus Objection”) [Docket No. 7013] in which it objected to the Claim on the grounds that Debtors have no liability owed on the Claim.

WHEREAS, on November 9, 2010, the Trustee filed The Liquidating Trustee’s Complaint to Avoid and Recover Preferential Transfers and Other Amounts Owing to the Estate and Objection to Claim Nos. 7967, 12731 and 14166 (the “Complaint”) initiating an adversary proceeding, designated Adversary Proceeding No. 10-03545 (the “Adversary Proceeding”), against SAP, seeking recovery of a preferential transfer and other amounts owing the estates and objecting to Claim.

WHEREAS, certain of the objections are common to the Seventieth Omnibus Objection and the Adversary Complaint.

WHEREAS, the Trustee and SAP would like to avoid any unnecessary duplication.

WHEREAS, in the interest of judicial economy and in an effort to contain legal expense, the Trustee and SAP have agreed to consolidate the Seventieth Omnibus Objection and the Complaint, for all purposes.

IT IS HEREBY ORDERED as follows:

.1 The Stipulation is approved.

.2 The Seventieth Omnibus Objection solely as it relates to the Claim and the Complaint are hereby consolidated for all purposes, and shall be deemed to constitute a single adversary proceeding under Adversary No. 10-03545.

SO ORDERED

Dated: Richmond, Virginia
April __, 2011

UNITED STATES BANKRUPTCY JUDGE

We ask for the same:

TAVENNER & BERAN, PLC

/s/ Paula S. Beran

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